

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KEITH WILLIAMS,

Petitioner,

v.

JAMES STIGLIANO, et al.,

Respondents.

Civil Action No. 22-6028 (RK)

MEMORANDUM & ORDER

This matter has been opened to the Court by a letter request by Assistant Mercer County Prosecutor Timothy P. McCann, seeking an extension of time to submit Respondents' supplemental answer. (ECF No. 30.) For the reasons explained in this Memorandum & Order, the Court grants the extension of time and administratively terminates Petitioner's motion brought pursuant to Federal Rule of Civil Procedure 60(b) ("Rule 60(b) motion") pending the completion of the briefing.

On April 22, 2024, this Court dismissed Petitioner Keith William's Petition brought pursuant to 28 U.S.C. § 2254 as untimely and denied a certificate of appealability. (ECF Nos. 24-25.) On September 20, 2024, Petitioner filed a motion to reopen this matter (ECF No. 28), which the Court construes as a Rule 60(b) motion. On January 27, 2025, the Court deferred deciding the Rule 60(b) motion and directed Respondents to file a supplemental answer within 30 days, but Respondents missed the deadline. On April 2, 2025, McCann wrote on behalf of Respondents to request an extension of time to submit the supplemental answer and states that he had not logged onto the electronic filing system after the Petition was dismissed and was unaware of the Court's Order. (ECF No. 30.)

Having reviewed Mr. McCann's request, the Court finds that there is good cause to grant the extension of time. Respondents shall submit their supplemental answer within 30 days and Petitioner may submit a supplemental reply within 30 days of his receipt of the same. The Court directs the Clerk of the Court to administratively terminate the Rule 60(b) motion pending the completion of the supplemental briefing and record.

IT IS, THEREFORE, on this 7th day of April 2025,

ORDERED that Respondents' request for a 30-day extension of time is **GRANTED**; and it is further

ORDERED that Respondents shall provide the record of Petitioner's state court motion to correct his sentence, the decision denying that motion, and any appeals taken from that decision; and it is further

ORDERED that Respondents shall also supplement their timeliness arguments and specifically address whether Petitioner's motion to correct his sentence was properly filed and whether it entitles him to statutory tolling for the period during which it was pending; and it is further

ORDERED that Respondents shall submit their supplemental answer within 30 days of the date of this Order; and it is further

ORDERED that within 30 days of his receipt of Respondents' supplemental answer, Petitioner may submit a reply brief and should provide all facts and evidence in support of equitable tolling that he wishes the Court to consider; and it is further

ORDERED that the Clerk of the Court shall **ADMINISTRATIVELY TERMINATE** the Rule 60(b) motion at ECF No. 28 pending the completion of the record and the briefing; and it is further

ORDERED that once the briefing is complete, the Court shall reopen this matter and decide the Rule 60(b) motion at ECF No. 28; and it is further

ORDERED that the Clerk shall send a copy of this Order to Petitioner at the address on file.



ROBERT KIRSCH
United States District Judge